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SUMMARY RECORD OF THE 1759th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 14 July 1999, at 3 p.m.

Chairperson: Ms. MEDINA QUIROGA

CONTENTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (continued)

Initial report of Cambodia (continued)

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 4) (continued)

Initial report of Cambodia (CCPR/C/81/Add.12; HRI/CORE/1/Add.94; CCPR/C/65/Q/KHM/1) (continued)

1. At the invitation of the Chairperson, Mr. Om, Mr. Ok and Mr. Ith (Cambodia) resumed their places at the Committee table.

2. The CHAIRPERSON invited the delegation of Cambodia to conclude its replies to questions raised by the Committee at the previous meeting.

3. Mr. OM (Cambodia) said that he would group his replies to the different questions raised under four main subject headings: impunity, discrimination, the judicial system and miscellaneous issues. On the subject of impunity, he reassured the Committee that the many comments on article 51 of the 1994 Law on Civil Servants would be conveyed as promptly as possible to his Government. Indeed, the latter would welcome such input in the light of its proposal for an amendment to the article to be considered at the forthcoming session of the National Assembly. Article 51 of the Law in question could not be amended or revoked by the Constitutional Council since it was not deemed to conflict with the provisions of the Constitution.

4. The article had been adopted at a time when judges and prosecutors had been in short supply and was designed to prevent unlawful convictions. According to available statistics, to date around half of the 222 complaints lodged in connection with the article had been followed up and the offenders brought to justice; the remaining cases were still pending, presumably because the head of the relevant Ministry or department had failed to give his consent for the proceedings to get under way. It was in an effort to remedy the situation that the Government had decided to propose the amendment of the article, so as to enable judges and prosecutors to bring charges immediately against civil servants suspected of an offence without having to seek their superior's authorization. Under Cambodian law, the accused must be informed of the charges against them within 48 hours. He confirmed that the article did not apply to military personnel, who were tried in military courts.

5. In response to queries regarding a specific human rights violation committed in December 1998, he said he would forward a report on the case to the Committee in due course.

6. He did not consider that there was ample justification for associating the term "culture of impunity" with the Cambodian people; it was not inherent in their character. Admittedly, human rights had suffered greatly under the Khmer Rouge regime and those responsible for some of the violations committed at that time had not yet been brought to justice. The Committee always emphasized the need to establish the rule of law and Cambodia was striving to make progress in that direction. A judge needed sufficient evidence and testimony to make a conviction, and police and prosecution investigations must be duly completed before a trial could be held. On that score there was

considerable discontent among Cambodians, for even when a person was known to be guilty of an offence, he could be released by a judge who found that the investigation procedures had not been properly complied with.

7. The Government had taken steps to ensure the prompt establishment of a committee to investigate the grenade attack of 30 March 1997. The results of the thorough investigation, which had been carried out under his direct supervision, were to be published shortly. The preliminary findings had been subject to verification by independent criminal investigation experts using appropriate technology. The reference to a foreign investigation bureau in the written replies should not be confused with the Federal Bureau of Investigation (FBI). For obvious reasons the identity of the experts in question would need to be kept secret. The verification phase had only recently been completed, which explained the delay in publishing the outcome of the investigation.

8. The forthcoming report would provide two possible scenarios for the incident. According to the first scenario, which was also the version of events reported in the foreign press, apparently on the basis of an FBI report, two people had been allowed by government forces to launch grenades at a demonstration by the opposition party, the Khmer Nation Party. It was held that members of the Prime Minister Hun Sen's bodyguard unit were to blame. According to the second scenario, which was based on the recent investigation and had been verified by international experts, the two people concerned had not even been present at the scene of the incident, but had been paid to make such claims by the opposition party. Under Cambodian law, persons found guilty of wrongfully accusing another of an offence were liable to only seven days' imprisonment.

9. Replying to comments on the so-called coup of 5 July 1997 in which forces loyal to Hun Sen had attacked those loyal to Prince Ranariddh, he stressed the desire of the National Human Rights Commission not to get involved in the politics of the matter and to abide by its regulations and aims. He had personally provided assistance to the United Nations Special Representative on the situation of human rights in Cambodia in connection with human rights violations committed during and after the coup. In the light of the Special Representative's memorandum to the Government of September 1997 considerable progress had been made on the investigation front. As borne out by a report published recently by the Ministry of the Interior, some of the violations mentioned in the memorandum had already been followed up and those responsible would be brought to justice. The whole investigation progress had been greatly facilitated of late by the return to Cambodia and cooperative attitude of leading representatives of both parties involved in the coup.

10. With regard to torture, he said that when a defendant claimed that he had been subjected to torture during a police interrogation he would normally be released by the judge, who would order the police to carry out further inquiries, for evidence or testimony extracted through torture was not admissible in court. Although the problem of police torture was not generally recognized in Cambodia, he did not deny its existence and assured the Committee that every effort was being made to improve the current situation. Torture was a violation of human rights and as such was punishable by law.

11. On the subject of discrimination, specific questions had been raised about the weight of Cambodian tradition in discrimination against women. Some aspects of Cambodian tradition encouraged respect for human rights, while other aspects needed to be brought in line with the requirements of modern society. It was worth noting, nonetheless, that unlike in many other nations, Cambodians had a definite preference for daughters; a family without girls was not considered as a happy family. That ensured that women enjoyed a special place in Cambodian society. Of course, there were instances of violence by men against women and vice versa; they were dealt with by the criminal justice system.

12. As for women in politics, there were four all-women political parties and if one of them were to win a majority in the next election, then, there might one day be a woman prime minister. The poor representation of women in Cambodian politics could be blamed to a great extent on the political parties themselves. Prior to the 1998 elections, the Minister for Women's Affairs had always been a man; that was no longer the case. The situation was gradually changing thanks, inter alia, to the efforts of the National Human Rights Commission to encourage all political parties to put forward more women candidates. One further noteworthy development was the pledge by the Vice-President of the Cambodian People's Party that more than 30 per cent of the candidates for the forthcoming municipal elections would be women. Since 1998, the municipal councils had been delegated considerable powers in running their own affairs. So there was hope that in future women would have far greater say in the development and organization of their communities.

13. Providing further clarifications on the statistics given earlier on the employment of and greater job opportunities for women, he pointed out that in the past three years more than 100 new textile factories had opened in Cambodia. On average, more than 80 per cent of factory workers were women with little or no education. In his view, it was preferable for poorly educated young women from rural areas to find gainful employment in large towns and to be able to support their families rather than being drawn into prostitution. It was not true that women's wages were lower than men's: there was equal pay for the same work. A report prepared recently in connection with Cambodia's obligations under the United Nations Convention on the Elimination of All Forms of Discrimination against Women could be made available to the Committee for more detailed information and statistics on the overall situation of women in the country.

14. Although article 31 of the Constitution applied exclusively to Khmer citizens, it was worth noting that no article of the Constitution expressly stated that non-Khmers should not enjoy equality before the law. In practice, any person who claimed to be the victim of a violation was entitled to take his case to court. However, non-Khmers were subject to other restrictions: they were not entitled to purchase land or property in Cambodia. Perhaps as far as the Committee was concerned that was tantamount to discrimination. In any case, he would convey to the Constitutional Council the Committee's view on the necessity of an article in the Constitution to guarantee equality before the law for everyone in Cambodia.

15. His Government was taking steps to strengthen the judicial system, first and foremost by striving to resolve the problem of the dearth of judges to

which the Committee had drawn attention. Efforts were being made to train more judges, but it would take some time before the results became apparent, not least because of the long years of study required to enter the profession. Likewise there was a shortage of qualified lawyers, which posed a particular problem since under Cambodian law a defendant must have legal representation in order to appear before a judge. One of the top priorities of the new Government was to strengthen human rights and establish the rule of law by a number of means, including fast-track training programmes for judges and lawyers.

16. As a further reform measure, it was intended to separate the roles of the police and the gendarmerie. Investigation procedures were to be improved by giving greater powers to the government procurator and also by enhancing the role of legal counsel. In order to remedy the shortage of judges in the country, it was intended to make them a privileged group commanding higher salaries than other Cambodians, amounting to some $400 per month. That would help to ensure that society afforded them the respect they deserved.

17. On the question of reform of the judicial system, the role of judges in court proceedings was being changed, and a new Criminal Code and Civil Code were currently being drafted, with the assistance of Japanese experts. The Supreme Council of Justice was not yet fully operational, but the Constitutional Council was functioning. It had played a useful role in monitoring the 1998 election process, and also in reviewing new legislation. Recently, for instance, the Council had ruled that article 5 of a new bill on the functions of the Office of the Secretary of State for Women's Affairs was unconstitutional since it laid down that the Secretary of State should be a woman, which amounted to discrimination. As a result, the bill had been thrown out and would have to be resubmitted to the Assembly for consideration.

18. On the question how the Covenant was implemented in practice, he said that new legislation was always drafted on the basis of the relevant international instrument to which Cambodia was a party. Such instruments were also invoked in court: for instance, the Convention on the Rights of the Child had been invoked by a judge in a case involving sexual abuse of a minor.

19. In reply to the question whether the security forces constituted a "state within a state", he pointed out that Cambodia had been in a state of war for 20 years and had only been fully at peace since 25 December 1998. Great efforts were now needed to ensure that human rights were protected, particularly since there were still numerous armed soldiers of the Khmer Rouge in hiding. However, the country had made some progress along the path to development and respect for the law, and it was no longer possible for the security forces to act with total impunity. It was true that there had been cases of abuse of power by certain individuals, and also cases in which the gendarmerie had operated illegally as judicial police. However, that situation was being remedied by a new bill on criminal procedure, which laid down that such powers could now be exercised only by the police. As to the case of the Commander of the Armed Forces who had punished a soldier by placing him in a container exposed to the sun, there had fortunately been no recurrence of such cases since 1997, and the National Human Rights Commission was monitoring the situation closely.

20. On the subject of prostitution, there were currently some 35,000 prostitutes in the country, earning more than US$ 22 million a year, whereas unfortunately the Government had only US$ 3 million at its disposal for AIDS control. Prostitutes sent more than 50 per cent of their earnings home to support their families in rural areas. Brothels were at present prohibited by law, but the Ministry of Health, as well as a number of NGOs, were of the view that they should be officially recognized, so as to facilitate health education and prevent the spread of AIDS. The issue was still being debated in Cambodia.

21. Although there was as yet no law governing the status of NGOs, there were more than 300 operating in the country which were recognized by the State. A bill on the subject was currently under preparation, in which the views of NGOs would be taken into account.

22. Certain government officials, soldiers and police were entitled to carry arms, but subject to certain restrictions. So far, more than 60,000 weapons had been handed in to the authorities.

23. There were a number of different institutions in Cambodia working in the human rights field: as well as the human rights commissions in the Senate, the National Assembly and the Government, at least 18 of the 300 NGOs in the country were concerned with human rights. Those bodies had free access to prisons to monitor conditions. In addition, it was intended to set up a supreme authority, the National Human Rights Committee, which would be completely independent of the Government. A bill establishing the new Committee was currently in course of preparation.

24. Mr. KRETZMER said he would appreciate an answer to his question as to what rules governed, first, the arms which law enforcement officials were entitled to carry, and secondly, the right to open fire in cases where public order was involved.

25. Mr. ZAKHIA noted that chapter III of the Constitution was entitled "Rights and duties of the Khmer citizen". Did not that imply a distinction between Khmer and non-Khmer citizens? He had been concerned to learn that, according to a study carried out by the Office of the Secretary of State for Women's Affairs in 1996, one Cambodian woman in six had been subjected to violence within the family. The study stated that no effective measures had previously been taken to protect women against such violence, and he would be glad of information on that point.

26. Mr. OM (Cambodia), in reply to the first question, said that under a new decree, all weapons, whether legal or illegal, had to be handed in to the authorities. Certain police officers still had the right to bear arms, but efforts were being made to restrict their use as much as possible: for example, officers were not permitted to take their weapons home with them.

27. On the point raised by Mr. Zakhia, there was nothing in the Constitution to indicate a distinction between Khmer and non-Khmer citizens. However, he would refer the question to the Constitutional Council on his return. Lastly,

he was not sure whether the figures quoted for cases of violence against women in the family were correct: he would provide the Committee with more information at a later stage.

28. Mr. BHAGWATI noted that the representative of Cambodia had referred to the role of the Constitutional Council. Given that paragraph 21 of the report stated that the Council was not yet functioning, he asked how long it had been in operation.

29. Mr. SOLARI YRIGOYEN said he would be glad to have a reply to his question on extrajudicial killings. He had referred to specific cases in which a number of persons had been murdered by uniformed police officers. In particular, he had asked for information on a case in which civil and military police had used such instruments as electric prods and high pressure jets of dirty water on demonstrators, and had asked whether any deaths had resulted.

30. Mr. OM (Cambodia), replying, said that at the time the report had been drafted, the Constitutional Council had not yet been functioning; it had in fact begun work in July 1998.

31. Unfortunately, a report by the United Nations Centre for Human Rights in Cambodia had indeed mentioned as many as 40 extrajudicial killings. He would provide the Committee with more information once the investigations had been concluded. Regarding the demonstration in 1998, 15 demonstrators had been arrested by the security police. An immediate investigation had been launched in cooperation with the United Nations Office in Phnom Penh, following which it had been concluded that no deaths had resulted.

32. The CHAIRPERSON invited the delegation to respond to questions 17 to 33 of the list of issues (CCPR/C/65/Q/KHM/1).

33. Mr.OM (Cambodia), in reply to question 17, said the maximum duration on pre-trial detention was six months. While great efforts were made to observe time limits, there were serious technical problems hampering the investigation process. For instance, in cases of drug trafficking, drug samples were sent abroad for analysis, and the results were often not received within six months. Detention of persons not subsequently found guilty entitled the victims to claim compensation.

34. On question 18, he said that minors under 13 years of age could not be detained, and minors aged 13 or 14 could be detained for no longer than a month, except in cases involving a criminal offence, where that period could be doubled.

35. In reply to question 19, he said that procurators were required to visit prisoners every month and to pass on any requests they might have. Shackles were used only to restrain prisoners, not as a punishment. Handcuffs could be used to prevent escape and to prevent injury or damage to property; they should not cause pain and should not be worn for longer than necessary. It was difficult to solve the problem of prison overcrowding while the Government was suffering from financial constraints. The introduction of women warders would be a good way of preventing rape, but women were often reluctant to

serve in prisons. The Minister of the Interior had recommended that the Chief of the Prison Service should take all necessary measures to safeguard the life and health of women prisoners.

36. In reply to question 21 (art. 14), he said that the Supreme Council of Justice had nine members: the King, who presided, the Minister of Justice, the President of the Supreme Court, the Procurator-General of the Supreme Court, the President of the Court of Appeal, the Procurator-General of the Court of Appeal, and three magistrates elected by their peers. Three alternate members were also elected by their peers to replace absent members. The Council had a term of office of five years and was consulted in connection with draft legislation concerning the organization of the Judiciary and related areas; it also took decisions on the appointment, transfer, secondment, suspension and removal of judges and procurators.

37. For answers to question 22, members of the Committee were referred to the answers already given in connection with article 2. As to question 23, despite the shortage of resources of all kinds, considerable attention was being given to guaranteeing equality before the law in general and the right of accused persons to defence, in particular. Before beginning his work, the investigating magistrate must arrange for the accused to have a defence counsel, in whose presence all interrogations must be conducted. Every item of evidence must be handed to the accused or to his lawyer in plenty of time for the preparation of the defence.

38. Replying to question 24 (art. 19), he said that the press in Cambodia enjoyed immense freedom. Freedom of the press in Cambodia was a source of pride because it was in conformity with article 19 of the Covenant and the application of the Press Law was in conformity with article 19, paragraph 3. There was no law to prevent the press from appealing to the courts. The Government ensured the equality of all political parties during electoral campaigns by assigning equal broadcasting time to each party. Private radio and television stations were not authorized to broadcast propaganda in favour of any political party during the campaign.

39. With regard to question 25 (art. 21), he said that if a demonstration was found to be a threat to public order or public safety, the authorities informed the organizers that the demonstration could not take place or requested them to change its date or venue. Organizers of demonstrations were fully entitled to initiate court proceedings if they considered that the decision was not in conformity with the law. In the majority of cases, those who organized demonstrations without applying for permission or proceeded with a demonstration that had not been authorized were more interested in fomenting violence than in resolving the problem in a legal and democratic manner. The investigation of the incident involving a grenade attack on a crowd of demonstrators had not been forgotten and was still under way.

40. In connection with question 26 (art. 22), he said that the draft Law on Associations had been completed and sent to NGOs and various associations for their views. The Law on Political Parties, which had been adopted by the National Assembly, enabled political parties to undertake activities and to participate in elections. Under its article 6, political parties were

prohibited from engaging in activities involving secession, subversion of the free and pluralistic democratic regime, the use of violence in order to seize power, and the establishment of armed units.

41. Replying to questions 27 and 28 (art. 23), he said that measures to combat domestic violence and sexual abuse of women and children included education, broadcasts, the active participation of NGOs, judicial proceedings and the provision of funds to victims. The Government was currently investing in ambitious projects designed to develop the role of women in society, especially regarding their access to employment. The restriction placed on marriage by persons of the same sex, the impotent, those suffering from leprosy or tuberculosis, and the insane was not incompatible with human rights and freedoms; rather, it was designed to protect the family and to prevent the transmission of infectious diseases. There was nothing to stop a tuberculosis sufferer from marrying once he or she was completely cured. Although the law made no specific provision for HIV/AIDS, each family was expected to take general precautions. According to Cambodian tradition, the husband, who was responsible for supporting the family, was normally older than the wife. The Law on Marriage provided that adult persons were free to marry; however, where the husband was aged below 20 and the wife below 18, the marriage was considered invalid until the couple reached marriageable age. So far as question 29 on article 24 was concerned, members were requested to refer to the answers given to questions 14 and 18.

42. With regard to question 30 (art. 25), he said that the role of the Government was confined to providing funds at the request of the National Election Commission. The Commission's impartiality could readily be ascertained by comparing its decisions and activities with its terms of reference as established by law. A political party which was not satisfied with the Commission's decisions could bring a case before the Constitutional Council; that was the extent of the Council's relationship with the National Election Commission.

43. As to questions 31 and 32 (arts. 26 and 27), he said that the Cambodian population was generally free of racial prejudice. So far as the Vietnamese in Cambodia were concerned, a question arose with regard to responsibilities for the savage acts of the Khmer Rouge prior to their collapse. It would be best if certain political parties refrained from introducing issues of racial discrimination into their policies. The Government, for its part, was determined to prevent any form of economic investment that would entail the disappearance of Cambodia's ethnic minorities and their valuable traditions. Lastly, replying to question 33 relating to article 2, he said that the initial report on the implementation of civil and political rights in Cambodia had not yet been disseminated owing to lack of funds and also because relatively little time had elapsed since the report's completion.

44. The CHAIRPERSON invited members of the Committee to ask additional questions relating to the second part of the list of issues.

45. Mr. KRETZMER remarked that, as with the first part of the list of issues, the delegation had again failed to provide clear answers to a number of very specific questions. In particular, he would appreciate clear answers to the questions asked in paragraph 19 relating to the treatment of persons

under detention. With regard to the problem of domestic violence, the delegation had provided only a very general answer, whereas the report freely admitted that acts of domestic violence against women were common (para. 325) and that 95 per cent of such acts were committed by the husband (para. 339). According to the same paragraph of the report, the Office of the Secretary of State was currently examining the causes of domestic violence with a view to taking appropriate steps to halt it. What were the results of that investigation? According to NGO reports, the authorities in Cambodia did not concern themselves with cases of domestic violence unless they entailed murder or very serious injury. Was that really the situation? Was it true that the law did not regard forced sexual relations within marriage as rape?

46. Ms. EVATT reiterated her concern at the large gap between the frankness of the report and the inadequacy of the delegation's response to the Committee's questions. In addition to the points already raised by Mr. Kretzmer, she drew attention to the question concerning access to a lawyer after arrest (para. 17). The report conceded that some remand prisoners were detained for longer than six months without trial, and NGO reports indicated that such prisoners accounted for 34 per cent of all pre-trial detainees. What were the rules governing access to family and a lawyer, and how were they enforced? The delegation's response to the questions in paragraph 18 suggested that juveniles could be detained without judicial supervision for up to one month. If that was so, it represented a violation of article 9; a confirmation would be appreciated. Further to Mr. Kretzmer's question in connection with paragraph 19, she asked whether the use of shackles and chains in prisons had been abolished. In connection with question 20, she wished to know what was being done to overcome the problem of rape of women prisoners.

47. The delegation's response to the questions concerning freedom of expression, assembly and association had also been remarkably vague. What precisely was being done, in particular, to amend the present unsatisfactory situation with regard to freedom of the press? Lastly, what steps were being taken to prevent domestic violence and forced marriages of under-age women?

48. Mr. KLEIN, noting that the Cambodian representative had described freedom of the press in Cambodia as "immense", associated himself with the concern expressed on that score by Ms. Evatt. Paragraph 297 of the report referred to a large number of newspapers closed or suspended by the competent Ministry; such a situation was quite abnormal in a free democracy, where even one newspaper closure would be a cause for concern. Why was the publication of a newspaper subject to approval by the Ministry of Information? A law to that effect, which left the Government free to approve only those newspapers which followed its own line, was surely conducive to an atmosphere of distrust. Was it true that the Ministry's approval was to be made subject to annual review? What remedies were available against withholding of approval or against closure or suspension of a newspaper? Were television and radio in Cambodia completely controlled by the Government and, if so, how could opposition parties express their views?

49. Mr. AMOR said that the questions he wished to ask related to specific paragraphs of the report. First, it was stated in paragraph 173 that the daily food allowance for detainees had been set at a rate of 1,000 riels, a sum corresponding to the salary of middle-ranking State officials. He found

that information perplexing and would appreciate a detailed explanation. With reference to paragraphs 295 and 297, he associated himself with the questions already asked by Mr. Klein and, in particular, asked for information on access to the broadcasting media by religions other than Buddhism. In connection with paragraphs 360 and 361, he was concerned at the failure to provide for the keeping of registers of births, marriages and deaths, and asked whether the situation in that regard had changed since the completion of the report in November 1997. The keeping of population records was of fundamental importance to human rights and, in particular, the right to vote. Lastly, referring to paragraph 370 of the report, which mentioned the case of a deputy being dismissed from the National Assembly after being expelled from his political party, he pointed out that any law authorizing such dismissal would be incompatible with article 25 of the Covenant and asked for additional explanations.

50. Ms. GAITAN DE POMBO asked for additional information about the activities of the United Nations Centre for Human Rights in Phnom Penh and the assistance rendered by the Centre to the Royal Government. Secondly, noting that almost 44 per cent of the population of Cambodia were under 15 years of age, she asked for further information about measures being taken to improve the situation with regard to child labour, child prostitution and the detention of juveniles.

51. Mr. BHAGWATI said he had not heard an answer to his earlier question whether the Ministry of Justice was empowered to suspend judges of the Court of Appeal and, if so, what constitutional basis existed for the exercise of such power. He had also asked whether the Minister of Justice issued circulars to the courts which had force of law.

52. According to paragraph 211 of the report, some judges were obliged to seek the opinion of the Ministry of Justice on the interpretation of articles and the determination of offences. The Ministry's role in that regard was difficult to reconcile with the principle of independence of the Judiciary. What steps were being taken to remedy the situation?

53. Were the Minister of Justice and the Procurators-General of the Court of Appeal and the Supreme Court, i.e. representatives of the Executive, members of the Supreme Council of Justice and, if so, what role did they play? Who were the other members and what was their status? Was the Council empowered to appoint judges and to take disciplinary action?

54. He inquired about training facilities for lawyers and judges, especially in the area of human rights. Had any provision been made for continuing education? He wished to know whether there was any legislative machinery for determining refugee status.

55. Mr. ZAKHIA said that, according to Cambodian and international sources, violence against women in Cambodia had attained epidemic proportions. He submitted that there was a relationship between real violence and symbolic violence, by which he meant the concentration of power in the hands of men who promoted violence between men and women. If a quota system was introduced whereby women were given greater access to positions of power, e.g. in the Executive, the Legislature and the police, the phenomenon of male violence

might recede. He asked for more information about marriage laws. Was civil marriage compulsory? And did men and women enjoy equal rights in respect of marriage, divorce, child custody and inheritance?

56. Mr. YALDEN said that the delegation's response to paragraph 32 of the list of issues had been unsatisfactory. In particular, it had failed to provide any information about indigenous hill tribes. He hoped that that omission would be remedied, in writing if necessary.

57. Mr. SCHEININ said he had been encouraged by the information in paragraph 386 of the report concerning the land and resource rights of indigenous hill tribes. But, according to NGO sources, the positive trend had not continued and the Special Representative of the United Nations Secretary-General and the World Bank had noted an upsurge in illegal logging and the granting of logging concessions on the lands of indigenous hill tribes. What was being done to end illegal logging, which was allegedly being conducted by the armed forces? And were the indigenous tribes fully involved in the consultation process when logging concessions were granted? Was sustainability of their traditional way of life a criterion for granting concessions?

58. Mr. SOLARI YRIGOYEN said he was concerned about reports of the harshness of the prison regime, especially in the provinces, where food shortages had allegedly led to serious health problems among inmates. He asked whether the Government planned to impose an effective ban on shackles and chains, which were still used in some prisons to control "undisciplined and dangerous prisoners". According to the Government, it was impossible for economic reasons to segregate accused from convicted persons, but other measures with no financial implications could be introduced to improve prison conditions. For example, prisoners were currently allowed to send only one letter a month and family visits were restricted to one every two months.

59. He was concerned about the Cambodian tradition of arranged marriages. If, as the Government claimed, forced marriages were not a real but only an "apparent" phenomenon, was it prepared to prohibit the practice?

60. Mr. CM (Cambodia) said that many of the questions asked by the Committee members would have to be answered later in writing. Before leaving Cambodia, he had conducted an in-depth inquiry into prison conditions. There were 24 prisons with a total of 3,530 prisoners, none of whom had been deprived of their human rights. If inmates were raped or subjected to ill-treatment, the perpetrators would be punished. With regard to complaint procedures, when inmates wished to consult legal counsel, the competent prison officers were required to transmit the message. Family members visited prisoners every week and could also pass on complaints. Representatives of an NGO called Licadho worked at the Central Prison five days a week and received all kinds of complaints. The International Committee of the Red Cross (ICRC) also paid monthly visits to all prisons.

61. With regard to the rape of women detainees, female warders offered protection in some establishments but women were generally reluctant to work in prisons. The Ministry of the Interior had issued a circular requiring the prison authorities to take immediate action in emergencies involving women

detainees. Existing prisons were very old buildings dating from colonial times and their capacity was limited. Most of them housed double the number of prisoners for which they had been designed. But overcrowding afforded a measure of protection against rape.

62. Forty per cent of the prison population were accused persons awaiting trial. Many of those in custody for over six months were drug traffickers. Samples of the products found in their possession had been sent to the United States for analysis and it usually took at least six months to obtain the results. The United States had been asked for assistance in establishing a drug analysis laboratory in Cambodia and action on that request was expected the following month.

63. Juvenile detainees, most of whom were petty offenders, were treated in the same way as adults. The police were working with NGOs and the Centre for Juveniles to improve conditions for minors, for instance by providing them with educational facilities. Detainees aged 13 or 14 could be remanded in custody for a maximum of 30 days, during which period the examining magistrate and lawyers were required to complete their investigation and bring the accused before the court. In the case of serious offences, the period of custody could be increased to two months.

64. There were many newspapers in Cambodia. The Press Code did not require them to apply for a permit but simply to inform the Ministry of Information. If they received no response within two weeks, they could proceed with publication. Journalists were issued with press cards by that Ministry. Each newspaper was required to renew its application for press cards each year so that the Ministry could keep track of departures and new recruits and compile statistics of journalists. There were two journalists' associations, both of which had major budgetary problems since losing the subsidy they had previously received from the Asia Foundation.

65. Cases of forced marriage were very rare. Both girls and boys were always fully consulted by their parents prior to marriage. Cambodian legislation did not establish a minimum age for marriage but age was mentioned in connection with the civil status of newly married persons. For example, although the traditional marriageable age for most women in rural areas was 15 to 17 years, the women concerned could not register their marriage until they reached the age of 18.

66. With regard to freedom of the press, very few newspapers had been closed down by the courts. Most newspapers that ceased publication did so for financial reasons. The State operated one radio station and one television channel. The remainder were privately run. There were six private television channels, which were prohibited from broadcasting party political propaganda during election campaigns. The State television channel afforded equal broadcasting time to each party.

67. The food allowance of 1,000 riels per detainee per day mentioned in paragraph 173 of the report was equivalent to roughly one third of a United States dollar. The allowance of 30,000 riels per month was higher than the salary of a policeman with an entire family to feed. A construction worker earned only 700 riels a day. It was estimated that the living

conditions of detainees, compared with those of other sectors of society, stood at about 30 in a scale running from 1 to 100. They also received donations from their families, ICRC and NGOs. Within a month or two, the Ministry of Health planned to send groups of medical professionals into the prisons to check the state of health of individual inmates. Few prisoners complained of illness and all inmates had shoes, whereas millions of Cambodian villagers were forced to go barefoot. Many Cambodians in rural areas had no drinking water but all prisoners had an adequate water supply.

68. Newborn children had not all been registered but for decades Cambodia had been contending with war, population displacement and massive influxes of refugees. No birth certificates had been issued, for example, in the areas occupied by the Khmer Rouge. But even if children were not registered immediately after birth, they would be registered with the local authorities as soon as they reached the age of six and began attending school.

69. The role of the future National Human Rights Commission had not yet been finalized. A Canadian expert was drafting a bill that would be discussed with NGOs and the Human Rights Committee of the National Assembly. The Commission would be completely independent and conduct its investigations in the light of relevant United Nations standards and recommendations.

70. The CHAIRPERSON invited the delegation to continue responding to the Committee's questions at the next meeting.

The meeting rose at 6 p.m.